

ORDINANCE NO. 1, 2013

EFFECTIVE MARCH 13, 2013

**ORDINANCE ADOPTING REGULATIONS ON TREES AND SHRUBBERY
IN RIGHT OF WAY**

Section 1. TRIMMING OF TREES AND SHRUBBERY.

The owner of every lot or parcel of land within the Village upon which a tree, plant or shrubbery stands with any part thereof upon or overhanging a public street or sidewalk shall conform to the regulations herein provided.

- (a) The owner shall trim or cause to be trimmed such tree, plant or shrubbery so that a clear height of ten feet between the lowest branches of the same and the street or sidewalk is maintained.
- (b) The owner shall trim or remove, as the case may require, every dead, decayed or broken tree, plant or shrubbery, or part thereof, so that the same shall not fall to the street or sidewalk or be at risk of falling to the street or sidewalk.
- (c) The owner shall cut down and remove any tree, plant or shrubbery, or any part thereof, as may be necessary to provide a clear and unobstructed view of traffic from all directions at any street intersection, or to abate any nuisance necessary to protect life, limb or property of persons, drivers and occupants of any motor vehicles, or pedestrians using Village streets or sidewalks.

Section 2. REMOVAL OF TREES, WEEDS AND GRASSES BY VILLAGE.

In the event the owner does not trim or remove any tree, plant or shrubbery, or any part thereof in accordance with the provisions of this Ordinance, then the Mayor is authorized to enforce the provisions of this Ordinance, and to cause to be trimmed or removed such tree, plant or shrubbery, or part thereof.

Section 3. ASSESSMENT OF COSTS BY VILLAGE.

Whenever any tree, plant or shrubbery, or part thereof, are trimmed or removed by the Village in accordance with this Ordinance, the Village, after completion of the trimming or removal, shall give written notice by regular mail or personal delivery to the owner of such lot or parcel of land, at his last known address, to pay the cost of such trimming or removal. Such notice shall be accompanied by a statement of the charges for the Village's services, the amount paid for performing such labor, the fees of the officers who served the notice and a proper description of the premises. In the event the charges are not paid within thirty days after mailing or service of the notice, then

such amount shall be certified to the County Auditor for collection in the same manner as other taxes and assessments are collected.

Section 4. PENALTY.

In addition to the provisions herein made for assessment of costs by the Village, any person who violates the provisions of this Ordinance shall be fined not more than one hundred dollars (\$100.00). Each day such violation continues shall be deemed a separate offense.